



**QUALCOMM Incorporated**

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October 7, 2005

Via ECFS

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Oral Ex Parte Presentation in WT Docket No. 05-7**

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that on October 6, 2005, I met with John Giusti, Legal Advisor to Commissioner Copps, to discuss QUALCOMM's Petition for Declaratory Ruling in the above-referenced proceeding.

During the discussion, I provided Mr. Giusti with background information on the MediaFLO service that QUALCOMM, through its MediaFLO USA subsidiary, is launching on its Channel 55 spectrum. I went on to explain the vague aspects of Section 27.60 (b) (iii) of the Commission's rules for which QUALCOMM needs clarification in order to launch MediaFLO in certain important markets in which QUALCOMM would cause a very low level of interference to over-the-air reception of one or more adjacent channel or co-channel TV or DTV stations. I explained that while the rule allows QUALCOMM to submit an engineering study to justify the proposed separations, the rule does not specify the methodology to calculate interference to affected adjacent channel or co-channel TV/DTV stations; does not establish a level of *de minimis* interference, and does not explain how the Commission would process these engineering studies. To fill in these gaps in the rule, I asked for the clarification requested in QUALCOMM's Petition, namely that: (i) QUALCOMM be permitted to use the OET 69 methodology, which is well known to the Commission and the TV industry, to calculate interference; (ii) interference of 2% or less from QUALCOMM's MediaFLO service to an adjacent channel or co-channel TV/DTV station be deemed *de minimis*, the same provision that governs interference from one DTV station to a DTV or TV station on the very same Channel 55 spectrum; and (iii) the Commission adopt streamlined processing of the engineering studies.

In the course of this discussion, I stressed that Section 27.60 does not impose any "no interference" requirement on 700 MHz licensees such as QUALCOMM. Instead, I pointed out that the full protection afforded to TV and

DTV stations under the rule is, as the rule states, that 700 MHz licensees such as QUALCOMM must “reduce the potential for interference” to TV and DTV stations by operating in accordance with the terms of the rule. I stated that the rule simply does not say that all interference must be eliminated. In addition, I noted that the Section 27.60 (b) (iii) provides that a 700 MHz licensee such as QUALCOMM may submit an engineering study “justifying the proposed separations” between the facilities of the 700 MHz licensee and that of a TV or DTV station, a provision which can only be read to mean that there is some level of interference resulting from such separations that the Commission would find to be justified. During this discussion, I provided Mr. Giusti with the attached copy of Section 27.60.

Further, I explained that while QUALCOMM has proposed that it be allowed to cause up to 2% interference to the over-the-air reception of adjacent channel or co-channel TV and DTV stations, the same level of interference that a DTV station is permitted to cause to DTV or TV stations on the very same spectrum as QUALCOMM will be operating on, since the overwhelming majority of people watch TV via cable or satellite, in fact, the actual number of people who would experience interference in these markets will be a fraction of that 2%.

In sum, I emphasized that the very substantial benefits to the public interest that will flow from the innovative MediaFLO service will more than outweigh the *de minimis* interference—interference that only a very small percentage of over-the-air viewers of TV and DTV stations on Channels 54, 55, or 56 in a limited number of markets will experience for a limited period of time (until the end of the DTV transition).

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner  
Vice President, Government Affairs  
QUALCOMM Incorporated

Cc: John Giusti